

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 28TH JUNE 2007 / 7TH ASHADHA 1929

WP(C).No. 18483 of 2007(A)

PETITIONER: PETITIONER

**S.SUNDAR RAJAN,PRINCIPAL,
INSTITUTE OF CO-OPERATIVE MANAGEMENT
PARASSINIKADAVU P.O.,KANNUR-63.**

BY ADV. SRL.P.N.MOHANAN

RESPONDENTS: RESPONDENTS

**1. UNION OF INDIA REP.,BY THE SECRETARY
MINISTRY OF AGRICULTURE,
DEPARTMENT OF AGRICULTURE AND CO-OPERATION,
KRISHI BHAVAN DR.RAJENDRA PRASAD ROAD,
NEW DELHI-110 001.**

**2. THE DIRECTOR GENERAL,NATIONAL COUNCIL
FOR CO-OPERATIVE TRAINING,S,SIRI INSTITUTIONAL
AREA,HAUS KHAZ,NEW DELHI-110 016.**

**BY ADV. SRL.C.P.MOHAMMED NIAS
ACG SRI. P.PARAMESWARAN NAIR**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 28/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

K. M. JOSEPH, J.

W.P.C. NO. 18483 OF 2007 A

Dated this the 28th June, 2007

JUDGMENT

The Writ Petition is filed seeking the following reliefs:

“i) Issue a writ of mandamus or other appropriate writ, order or direction, directing the respondents to implement Ext.P2 and P2(a) orders issued by the Govt. of India raising the retirement age from 58 to 60.

ii) Grant a declaration that the petitioner is entitled to have the benefit of retirement age of 60 years as recommended by the Vth Pay Commission of the Government of India.

Iii) Issue a writ of mandamus or other appropriate writ, order or direction, directing the 2nd respondent to consider Ext.P4 and pass appropriate orders.”

Petitioner is working as the Principal of the Institute of Co-operative Management. It is his case that under Clause (9) of Ext.P1 which is Service, Recruitment and Promotion Rules of

the National Council for Co-operative Training of National Co-operative Union of India, he is entitled to continue till sixty years of age. Clause (9) reads as follows:

“9.1 In case of retirement on superannuation/medical ground/compulsory retirement/voluntary retirement, the Central Civil Service (Pension) Rules, 1972 as amended from time to time shall apply.”

Then, he would rely on Ext.P2, to contend that he is entitled to continue till sixty years of age.

2. Heard the learned counsel appearing for the second respondent also. He would point out that the matter is no longer res integra and it is covered by the Division Bench Judgment of this Court in W.A. No.2948/00. According to him, the question relating to retirement is enumerated under Clause (11). Clause (11) reads as follows:

“11.1 An employee shall retire from the service of the Council as under:

i) On his attaining age of 58 years in case of groups-A and B employees in Academic

Cadre on the last day of the month in which he/she attains the age of 58 years.

ii) On his attaining the age of 58 years in case of Non-Academic Cadre employees in Groups-A, B and C.

iii) On his attaining the age of 60 years in case of Group “D” employees.”

Admittedly, petitioner is not a Group D employee. Counsel for petitioner, of course, would point out that that matter is pending consideration before the Government, which contention is disputed by the counsel for the second respondent. According to respondent, the matter is concluded and it is Clause (11)(i) which will continue to apply. As of now, petitioner has no legal right to continue beyond the age of fiftyeight years. Petitioner also relies on Ground E to contend that the Chief Executive is to continue till sixty. Respondent points out that this is for the reason that the Chief Executive is not a staff of NCCT and, therefore, the petitioner cannot lay any store by that circumstance. I find there is no merit in the contention of the

petitioner that he should be considered if the retirement age is raised. In the first place, that is a thing in the future. Secondly, even if it is raised, with effect from what day the retirement age will be raised, is a matter of conjecture and I do not wish to hazard any opinion.

The Writ Petition is dismissed.

K. M. JOSEPH, JUDGE

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